

UNITED STATES DISTRICT COURT

for the

District of South Carolina

Jeffrey R. Colberth, #244635

Plaintiff

v.

Warden, Perry Correctional Institution

Defendant

Civil Action No. 9:09-1621-JFA-BM

SUMMARY JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the plaintiff (*name*) _____ recover from the defendant (*name*) _____ the amount of _____ dollars (\$___), which includes prejudgment interest at the rate of ____ %, plus postjudgment interest at the rate of ____ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) _____ recover costs from the plaintiff (*name*) _____.

☒ other: The Report and Recommendation of Magistrate Judge Bristow Marchant is incorporated. The respondent's motion for summary judgment is granted, the petitioner's motion for summary judgment is denied, and the petition is dismissed with prejudice. The petitioner shall take nothing on his petition filed pursuant to Title 28 U.S.C. § 2254.

This action was (*check one*):

☐ tried by a jury, the Honorable _____ presiding, and the jury has rendered a verdict.

☐ tried by the Honorable _____ presiding, without a jury and the above decision was reached.

☒ decided by the Honorable Joseph F. Anderson, United States District Judge.

Date: September 10, 2010

CLERK OF COURT Larry W. Propes

s/Heather Hillman

Signature of Clerk or Deputy Clerk